

FACT SHEET

Initiation of Anticircumvention Inquiries of Antidumping Duty Order: Petroleum Wax Candles from the People's Republic of China

On February 28, the Department of Commerce (the Department) announced the initiation of two anticircumvention inquiries in relation to the antidumping duty order on imports of petroleum wax candles from the People's Republic of China (PRC). These proceedings have been initiated in order to determine whether mixed wax candles composed of petroleum wax and varying amounts of either palm or vegetable-based waxes can be considered subject to the antidumping duty order under either the minor alterations provision or the later-developed merchandise provision.

Next Steps: {Both inquiries}: The Department will, following consultation with interested parties, establish a schedule for the distribution of questionnaires and the submissions of comments on the issues.¹ In accordance with 19 C.F.R. 351.225(l)(2), if the Department issues a preliminary affirmative determination, it will then instruct the U.S. Bureau of Customs and Border Protection to suspend liquidation and require a cash deposit of estimated duties on the merchandise. The Department intends to issue its final determination within 300 days of the date of publication of this initiation.

{Later-Developed Inquiry Only}: Parties may submit comments regarding the appropriateness of the Department's later-developed analysis as provided in the Notice of Initiation, no later than 30 days from the date of publication of that notice. Rebuttal comments are due no later than 40 days from the date of publication of that notice. In the event of an affirmative preliminary determination of circumvention, the Department intends to notify the U.S. International Trade Commission (ITC), in accordance with section 781(e)(1) of the Tariff Act of 1930, as amended, (the Act) and 19 C.F.R. 351.225(f)(7)(i)(C).

{Minor Alterations Inquiry Only}: The Department is initiating this anticircumvention inquiry on particular PRC exporters, as identified by Petitioners in Appendix 1 of their submission dated January 14, 2005. The Department will post the list on the Import Administration web site shortly. However, within 45 days of the date of initiation of this inquiry, if the Department receives sufficient evidence that other PRC manufacturers are involved in the production of mixed wax petroleum wax candles containing varying amounts of palm and/or vegetable-based waxes for export to the United States, it will consider examining such additional manufacturers.

Contact:

If you have additional questions regarding these inquiries, please contact Jim Nunno of Import Administration, at (202)482-0783.

Petitioners: The National Candle Association, petitioners in this proceeding, requested that the Department conduct an anticircumvention inquiry pursuant to section 781(d) of the Act (the later-developed provision) on October 8, 2004. On October 12, 2004, petitioners requested that

¹ The Department respectfully requests that when parties file official submissions on the record of either of these anticircumvention inquiries, they identify the specific inquiry for which they are filing comments (*i.e.*, "later-developed" or "minor alterations").

the Department conduct an anticircumvention inquiry pursuant to section 781(c) of the Act (the minor alterations provision).

Product Description: The products covered by this order are certain scented or unscented petroleum wax candles made from petroleum wax and having fiber or paper-cored wicks. They are sold in the following shapes: tapers, spirals, and straight-sided dinner candles; round, columns, pillars, votives; and various wax-filled containers. The products were classified under subheading 755.25 of the Tariff Schedules of the United States (TSUS). The products covered are currently classified under subheading 3406.00.00 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience purposes, our written description remains dispositive. See Notice of Antidumping Duty Order: Petroleum Wax Candles from the People's Republic of China, 51 FR 30686 (August 28, 1986); see also Notice of Final Results of the Antidumping Duty New Shipper Review: Petroleum Wax Candles from the People's Republic of China, 69 FR 77990 (December 29, 2004).

Import Statistics:

Petroleum Wax Candles	2002	2003	2004
Value (in US\$)	\$160,595,833	\$165,320,212	\$197,643,517
Volume (in kg)	79,000,643	83,300,550	94,381,144

Source: U.S. ITC Trade DataWeb for HTS 3406.00.00.